

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	x	
	:	
UNITED STATES OF AMERICA	:	CONSENT PRELIMINARY ORDER
	:	OF FORFEITURE/
- v. -	:	<u>MONEY JUDGMENT</u>
FRANK OKUNAK,	:	
	:	22 Cr. <u>410</u> (PKC)
Defendant.	:	
-----	x	

WHEREAS, on or about July 27, 2022, FRANK OKUNAK (the “Defendant”), was charged in a two-count Information, 22 Cr. 410 (PKC) (the “Information”), with wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count One); and falsification of the books and records of a public corporation, in violation of Title 15, United States Code, Sections 78m(b)(2), 78m(b)(5), and 78ff (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code Section 2461, of any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offense alleged in Counts One and Two of this Information;

WHEREAS, on or about July 27, 2022, the Defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Two of the Information and agreed to forfeit to the United States, a sum of money equal to \$10,823,575.57 in United States currency, representing the proceeds traceable to the commission of the offense charged in Counts One and Two of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$10,823,575.57 in United States currency, representing the amount of proceeds traceable to the offense charged in Counts One and Two of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Counts One and Two of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Scott Hartman and Matthew Podolsky, of counsel, and the Defendant, and his counsel, Paul Krieger, Esq., that:

1. As a result of the offense charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$10,823,575.57 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Counts One and Two of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, FRANK OKUNAK, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals

Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

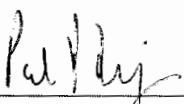
DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:   
SCOTT HARTMAN  
MATTHEW PODOLSKY  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2357/1947

7/27/22  
DATE

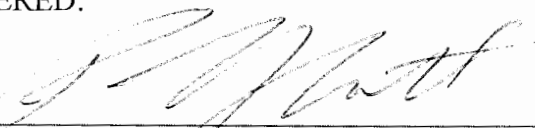
FRANK OKUNAK  
By:   
FRANK OKUNAK

7/27/22  
DATE

By:   
PAUL KRIEGER, ESQ.  
Attorney for Defendant  
Krieger Kim & Lewin LLP  
500 Fifth Avenue, 34th Floor  
New York, New York 10110

7/27/22  
DATE

SO ORDERED:

  
THE HONORABLE P. KEVIN CASTEL  
UNITED STATES DISTRICT JUDGE

7-27-22  
DATE